

**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of amendments above and the following remarks. Claims 1, 4-16, 18-21, 23, 24, and 27 are pending of which claims 1, 15, 20, 24 and 27 are independent. Claims 2-3, 17, 22, and 25-26 are canceled herein.

Claims 1-19 were rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter.

Claims 9 and 26 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-5 and 7-27 were rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Horvitz (US PG Pub. 2004/0267600).

Claims 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz in view of Miller et al. (US Patent No. 7,333,080) ("Miller").

These rejections are traversed for the reasons stated above.

**Claim Rejection Under 35 U.S.C. §101**

Claims 1-19 have been rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Independent claim 1 has been amended to recite a computer system, and is thus tied to another statutory class. Independent claim 15 recites a method of displaying information on a display, and also recites providing the display configuration on the display. The display of

claim 15 ties the method to another statutory class. Accordingly, the rejection of claims 1-19 under 35 U.S.C. § 101 is believed to be overcome.

**Claim Rejection Under 35 U.S.C. §112**

Claims 9 and 26 were rejected under 35 USC §112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention..

Claim 9 was rejected because “source display settings” lacks antecedent basis. However, this is the first recitation of “source display settings,” and it is not referred to as “the” or “said” source display settings. Accordingly, “source display settings” does not lack antecedent basis.

Claim 26 is canceled.

**Claim Rejection Under 35 U.S.C. §102**

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

**Claims 1-5 and 7-27**

Claims 1-5 and 7-27 were rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Horvitz. This rejection is respectfully traversed for at least the following reasons.

Independent Claims 1, 15, 20, 24 and 27

Claim 1 recites, “determining a plurality of display configurations for displaying information from at least one source, wherein each display configuration includes a plurality of windows, and an appearance or location of at least one of the windows is varied per display configuration to cause at least one of a plurality of metrics to vary per display configuration, wherein the plurality of metrics include a usage metric, a power consumption metric, a lifetime metric, and a monetary cost metric.”

Independent claims 15, 20, 24, and 27 recite similar features. Horvitz fails to teach these features.

Horvitz discloses controlling and presenting information on a display based on a determined cost. Instead of displaying all items (*e.g.*, icons, folders, files, information chunks, *etc.*), Horvitz displays a subset of the items based on a cost, and provides another button or other means to display the hidden items if the user is unable to find a desired item in the displayed subset of items. See paragraph 26. The cost is the benefit of finding a desired item in the displayed subset versus the frustration of a user having to scan for an item

on a display and not being able to find the item because it is hidden. See paragraphs 33 and 42-49.

Horvitz fails to teach determining multiple display configurations wherein windows in each display configuration are varied to vary one or more metrics. Instead, Horvitz discloses determining a single display configuration based on the cost.

Horvitz also fails to teach determining a usage metric, a power consumption metric, a lifetime metric, and a monetary cost metric for each of a plurality of display configurations. It appears the rejection is interpreting the cost of Horvitz to be the claimed cost metric and usage metric. However, even given this interpretation, Horvitz still fails to teach a lifetime metric and a power consumption metric. Nothing in Horvitz discloses determining or estimating a lifetime of a display or the power consumption of the display.

Furthermore, the costs of Horvitz are not monetary costs. Thus, Horvitz fails to teach determining a monetary cost metric.

In addition, independent claims 15, 20, and 27 recite, “each window displays information for a different user.” Horvitz fails to teach a plurality of display configurations, wherein each window of a plurality of windows in each display configuration displays information from a different user.

Dependent claims 5-7 recite models used for determining the lifetime metric, power consumption metric, and cost metric. These models are not taught by Horvitz.

Dependent claim 7 also recites, “the cost model includes an analysis of predetermined factors associated with using the display and a relation of the factors to monetary costs.” The costs of Horvitz are not monetary costs.

For at least these reasons, claims 1, 4-5, 7-16, 18-21, 23, 24, and 27 are believed to be allowable.

**Claim Rejections Under 35 U.S.C. §103(a)**

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, 82 USPQ2d 1385 (2007):

“Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.” Quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966).

According to the Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, Federal Register, Vol. 72, No. 195, 57526, 57529 (October 10, 2007), once the *Graham* factual inquiries are resolved, there must be a determination of whether the claimed invention would have been obvious to one of ordinary skill in the art based on any one of the following proper rationales:

(A) Combining prior art elements according to known methods to yield predictable results; (B) Simple substitution of one known element for another to obtain predictable results; (C) Use of known technique to improve similar devices (methods, or products) in the same way; (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results; (E) “Obvious to try”—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success; (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art; (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art

reference or to combine prior art reference teachings to arrive at the claimed invention. *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, 82 USPQ2d 1385 (2007).

Furthermore, as set forth in *KSR International Co. v. Teleflex Inc.*, quoting from *In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006), “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasonings with some rational underpinning to support the legal conclusion of obviousness.”

Furthermore, as set forth in MPEP 2143.03, to ascertain the differences between the prior art and the claims at issue, “[a]ll claim limitations must be considered” because “all words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385.

If the above-identified criteria and rationales are not met, then the cited references fail to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited references.

#### **Claims 6**

Claims 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz in view of Miller. Miller was cited to teach a lifetime model. Miller discloses selectively driving OLEDs to reduce power usage or extend lifetime for a display. See Abstract. In particular, Miller discloses that primary colors that are combined to display white consume a lot of power. See column 2, lines 41-45. Miller discloses using a combination of colors to display white that are more power efficient. See column 4, lines 15-34.

The rejection cites to column 24, lines 36-44 of Miller to teach the lifetime model. However, Miller simply discloses that lifetime may be improved by the user controlling the

mixing ratio or the user making tradeoffs between system attributes. The mixing ratio is the proportion of a set of intensities to form a color. See column 15, lines 63-66.

Miller fails to teach using a lifetime model to determine a lifetime metric for each display configuration. Instead, Miller simply discloses that the mixing ratio or display attributes may be adjusted to improve lifetime, but fails to teach determining a specific lifetime metric for each of a plurality of display configurations, and also fails to teach using a lifetime model to determine the lifetime metric. Thus, claim 6 is believed to be allowable.

**Conclusion**

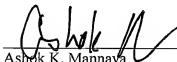
In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

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By



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